

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00018-MR-DLH**

GERALD HYDER,)
)
Plaintiff,)
)
)
vs.) **O R D E R**
)
)
INOVA DIAGNOSTICS, INC.,)
ROGER INGLES, and FRED)
RUSSO,)
)
Defendants.)
)

THIS MATTER is before the Court on the Plaintiff's Motion to Dismiss Action Without Prejudice as to Defendant Fred Russo and Show Cause Response [Doc. 14].

On June 17, 2013, the Court entered an Order staying this action as to Defendants Inova Diagnostics (Inova) and Roger Ingles (Ingles) pending the resolution of the parties' arbitration and directing the Plaintiff to show cause in writing for his failure to effect service on the Defendant Fred Russo (Russo). [Doc. 13]. In response to this Order, the Plaintiff now moves for the dismissal of Defendant Russo from this action without

prejudice. [Doc. 14]. Defendants Inova and Ingles do not object to the Plaintiff's Motion. [Doc. 15].

For the reasons stated in the Plaintiff's Motion, and for cause shown,

IT IS, THEREFORE, ORDERED that the Show Cause Order [Doc. 13] is hereby **DISCHARGED**.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Dismiss Action Without Prejudice as to Defendant Fred Russo and Show Cause Response [Doc. 14] is **GRANTED**, and the Plaintiff's action against Defendant Russo is hereby **DISMISSED WITHOUT PREJUDICE**.

In light of the pending arbitration proceedings involving the remaining parties, the Clerk of Court is respectfully directed to administratively close this case.

IT IS SO ORDERED.

Signed: July 10, 2013



Martin Reidinger
United States District Judge

